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THE CITY OF NEW YORK
LAW DEPARTMENT

100 Church St.
New York, NY 10007

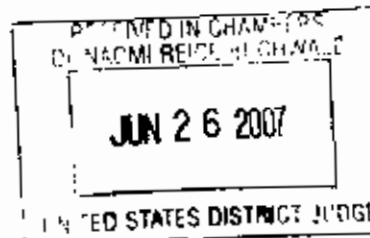
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June 26, 2007

BY FACSIMILE (212) 805-7927

The Honorable Naomi Reice Buchwald
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Cleon Earle v. City of New York, et al., 07 CV 3474 (NRB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, attorney for defendant City of New York. I write with regard to the above-referenced matter in which plaintiff alleges that on or about February 8, 2006, he was subjected to excessive force by correction officers at Rikers Island. Defendant City respectfully requests that the time to respond to the complaint be extended from the current due date of July 2, 2007, to August 2, 2007. Plaintiff's attorney, Mr. Leo Glickman, consents to this request.

There are several reasons for seeking an enlargement of time. We seek an extension because, in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint, properly assess the case, and respond on behalf of the defendant City. Because plaintiff has alleged physical injury as a result of the events complained of, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of medical records, limited, at this juncture, to medical records concerning treatment received as a result of the alleged incident, so that defendant City can properly assess the case and respond to the complaint.

Additionally, upon information and belief, the named individual defendants Bailey and Tuff were served by waiver of service in this matter. Although this office does not currently represent Bailey and Tuff in this action, and assuming they were properly served, this office respectfully makes this request on their behalf in order that their defenses are not jeopardized while representational issues are being decided. See *Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

SO
Ordered
Naomi
Reice
Buchwald
JUN 26 2007

No previous request for an extension has been made by defendant City. Accordingly, we respectfully request that defendant's time to answer or otherwise respond to the complaint be extended to August 2, 2007.

Thank you in advance for your consideration herein.

Respectfully submitted,



Prathyusha Reddy (PR 5579)
Assistant Corporation Counsel
Special Federal Litigation

cc:

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